Remarks

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

Initially, the Applicants would like to thank the Examiner for conducting the personal interview on April 11, 2005. During the interview, new proposed claims were discussed in light of the references relied upon in the Office Action of January 18, 2005. These claims have been including herein.

Claims 25-33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ueda (EP 0802535) in view of Sogabe (US 6,611,534). Claims 25-33 have been cancelled without prejudice or disclaimer to the subject matter contained therein, and as mentioned above, new claims 34-37 have been added. Support for new claims 34-37 can be found in the clean copy of the substitute specification at least at page 13, line 9 – page 15, line 11; page 16, lines 10-24; page 17, line 4 – page 19, line 23; page 26, lines 18-26; and Figures 1 and 4.

It is submitted that the above-mentioned rejection is not applicable to the new claims for the following reasons.

Claim 34 is patentable over the combination of Ueda and Sogabe, since claim 34 recites, in part, an information recording medium for recording scrambled data obtained by scrambling content data, the information recording medium including copy control information that is not scrambled, and the scrambled data, wherein the content data is scrambled using the copy control information to obtain the scrambled data. The combination of Ueda and Sogabe fails to disclose or suggest the content data that is scrambled using the copy control information that is not scrambled on the information recording medium as recited in claim 34.

Ueda discloses an information recording medium that has a lead-in area and a data recording area. First key information is disclosed as being stored in the lead-in area and second key information and scrambled data are disclosed as being recorded in the data recording area. In order to reproduce the scrambled data, the first key information is relied upon to descramble the second key information. Then, the descrambled second key information is relied upon to descramble the scrambled data for reproduction of the data. (See page 3, line 33 - page 4, line 55; page 10, line 1 - page 11, line 12; and Figures 10 and 11).

Based on the above discussion, it is apparent that the scrambled data of Ueda is scrambled based on the second key information, since the second key information is used to

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descramble the scrambled data. Therefore, as suggested in the rejection, Ueda fails to disclose or suggest content data that is scrambled using copy control information that is stored unscrambled on an information recording medium. As a result, Sogabe must disclose or suggest these features in order for the combination of Ueda and Sogabe to render claim 34 obvious.

Regarding Sogabe, it discloses a stream data processing system that utilizes an authentication process to distribute digital contents from a transmitting device to receiving devices over a network. In the authentication process, the transmitting device first acquires a system ID from each receiving device. The transmitting device then determines whether or not each receiving device can handle either or both of copy never contents and copy once contents based on their respective system IDs. If the receiving device can handle copy never contents, the transmitting device transmits a control key (eKcontrol#1) for copy never contents to the receiving device. If the receiving device can handle copy once contents, the transmitting device transmits a control key (eKcontrol#2) for copy once contents to the receiving device. These control keys (eKcontrol#1 and eKcontrol#2) can be deciphered by the receiving devices to obtain Kcontrol#1 and Kcontrol#2, respectively.

Once the above authentication process is complete, the transmitting device broadcasts a number of enciphered content keys (eKcontent) and enciphered contents to the receiving devices. In the header field of the enciphered contents, copy control information (CGMS) indicating one of copy never, copy once and copy freely, and changing data of the contents keys that change along with time are embedded.

Each receiving device uses the copy control information (CGMS) to determine the type of contents which are being received (i.e., copy never or copy once), and selects a control key (Kcontrol#1 or Kcontrol#2) corresponding to the determined type of contents. Using the selected control key, the receiving device deciphers the enciphered contents key (eKcontent) to generate a contents key (Kcontent) for deciphering the enciphered contents. When a receiving device receives contents that it cannot handle, it will not have the proper control key (Kcontrol) and will not be able to decipher the contents. (See column 7, line 20 - column 8, line 14 and Figure 4).

The rejection indicates that the copy control information (CGMS) embedded in the header field of the enciphered contents corresponds to the claimed copy control information and the "Response to the Arguments" section of the Office Action appears to state that the copy

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control information (CGMS) is used to generate the enciphered contents. However, it is apparent that the copy control information (CGMS) of Sogabe is only used by the receiving device to determine whether the enciphered contents are copy never or copy once; and based on the type of the enciphered contents, the receiving device selects an appropriate control key (Kcontrol) that was previously transmitted by the transmitting device during the authentication process. Once the appropriate control key (Kcontrol) is selected, the control key (Kcontrol) alone is used to decipher the enciphered contents key (eKcontent) to generate a contents key (Kcontent) for deciphering the enciphered contents. This use of the copy control information (CGMS) to only identify the type of the contents is clear from Sogabe, which states "each receiving device determines the type of contents ... in accordance with the copy control information (CGMS) contained in the enciphered contents, and selects a control key (Kcontrol) corresponding to the determined type of contents." (See column 8, lines 3-8) On the other hand, claim 34 recites that the content data is scrambled using the copy control information. Sogabe fails to disclose or suggest using the copy control information (CGMS) for enciphering or deciphering the contents.

Further, it is noted that Sogabe discloses that the copy control information (CGMS) is contained in the enciphered contents. (See column 8, lines 5 and 6). Therefore, it appears that the copy control information (CGMS) is also enciphered (scrambled) for transmission over the network. On the other hand, the copy control information of claim 34 is stored unscrambled on the information recording medium.

Therefore, Sogabe also fails to disclose or suggest the features of claim 34 that are not disclosed or suggested by Ueda. As a result, it is apparent that the combination of Ueda and Sogabe fails to disclose or suggest the present invention as recited in claim 34.

As for claims 36 and 37, they are patentable over the references for reasons similar to those set forth above in support of claim 34. That is, claims 36 and 37 recite, in part, the generation of scrambled key information (claim 36) or descrambled key information (claim 37) using copy control information that is recorded unscrambled on an information recording medium, the scrambled key information (claim 36) or descrambled key information (claim 37) being used to obtain scrambled content data (claim 36) or descrambled content data (claim 37), respectively, which features are not disclosed or suggested by the references.
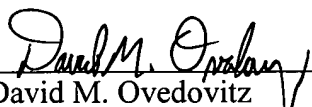
Because of the above-mentioned distinctions, it is believed clear that claims 34-37 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the

distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 34-37. Therefore, it is submitted that claims 34-37 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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